

ORDINANCE NO. 05-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-1429 OF CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, TO ALLOW CERTAIN CONSERVATION SUBDIVISIONS TO BE REVIEWED BY THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION 10-1479.1, LEON COUNTY CODE OF LAWS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to adopt an ordinance to amend Section 10-1429, Leon County Code of Laws, "Conservation Subdivisions" to allow the County Administrator or his designee to review Conservation Subdivisions proposed to contain between 21 and 149 units in the Urban Fringe pursuant to Sec. 10-1479.1;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Section 10-1429, Conservation Subdivisions, of Division 2 of Article XI of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

(a) *Purpose and intent.* Conservation subdivision design is encouraged to advance environmental resource protection or restoration by analyzing the development parcel so as to locate and coordinate appropriate areas for development and conservation. Such development shall permanently set aside preservation features and canopy road protection zones and, to the greatest extent practicable, other functional open space and sensitive natural resources. In addition, Conservation Subdivisions shall allow for a diversity of lot sizes, housing choices, and building densities.

(b) *Eligibility.* Conservation subdivision provisions may be applied at the request of a landowner in the Urban Fringe area, and they shall apply to all clustered development proposed in areas designated Rural Residential in the Bradfordville Sector Plan. The provisions herein shall be applied to all Conservation Subdivisions, regardless of the form of ownership.

(c) *Procedures and Review.*

(1) Conservation subdivisions shall be reviewed and authorized pursuant to the site and development plan review and approval procedure provisions of Division 4, Article XI of Chapter 10 of the Leon County Code. However, conservation subdivisions proposed in the Urban Fringe area which shall contain 21 to 149 residential dwelling units may be subject to Type "C" review if, at the determination of the County Administrator or his designee, such proposed conservation subdivision cannot demonstrate site specific compliance with design standards in Sec. 10-1429(1)(2). In addition to submittals required for appropriate review under other provisions of the Leon County Code, the following submittals shall also be required:

- a. A land preservation plan, showing all existing vegetation and proposed changes and new planting, if any.
- b. A geographic features and land use map of all land within 500 feet of the site that shall indicate floodplains, area hydrography, publicly or privately managed parks or preserves, and adopted or proposed greenways.

The required plans and maps shall be prepared and sealed by a licensed architect, engineer, or landscape architect, as appropriate.

(2) *Pre-Application Meeting.* Applicants shall be required to participate in a pre-application meeting with all necessary and appropriate local government departments prior to submission of an application for a Conservation Subdivision. At least 5 working days prior to the meeting, the applicant shall provide the land preservation plan and the site's geographic features and land use map as described above.

(d) *Minimum Lot Size:* The minimum lot size shall be one-half acre in Urban Fringe areas. In areas designated as Rural Residential in the Bradfordville Sector Plan, the minimum lot size shall be one acre, unless the board finds that provisions have been made to adequately address wastewater treatment and disposal, and that the superior design of the site using smaller lots strengthens the rural character of the developed and open space areas.

(e) *Density.* Conservation Subdivisions, no matter the form of ownership, shall be density neutral. In UF, the maximum density in the Development Area of a Conservation Subdivision shall be 1 dwelling unit per 1.33 gross acres of the Total Parcel.

In areas designated Rural Residential in the Bradfordville Sector Plan, the maximum density shall be 1 dwelling unit per 3 gross acres of the Total Parcel in Urban Fringe and 1 unit per 10 gross acres in the Rural land use category. Up to a 10% density bonus may be applied to Conservation Subdivisions in the Rural Residential areas of the Bradfordville Sector Plan, subject to a Type "C" review process.

(f) *Design Standards.* Conservation Subdivisions shall be made up of two distinct areas, the Reserve Area and the Development Area, which combined comprise the Total Conservation Subdivision Parcel. The Total Parcel shall be contiguous in location and

1 configuration, except that roads, utility easements or other similar linear infrastructure features
2 may traverse it.

3 (1) *Reserve Area.*

4 a. The acreage that comprises the Reserve Area shall comprise no less than 50%
5 of the Total Parcel; shall be designated as permanent open space via easement;
6 shall be continuous and contiguous to the greatest extent practicable with
7 other portions of the site including the Reserve Area; shall be contiguous with
8 or proximal to existing or planned public or private greenspace to the greatest
9 extent practicable, and shall be of sufficient size and buffered to accommodate
10 authorized uses and ensure the protection of all critical on-site resources that
11 are to be preserved.

12 b. Preservation areas and viewshed areas within designated protection zones for
13 canopy roads shall be incorporated into the Reserve Area; Conservation areas,
14 archaeological sites, agriculture and silviculture, Rural Roads as designated in
15 the Bradfordville Sector Plan, and other open space shall be incorporated into
16 the Reserve Area to the greatest extent practicable.

17 c. The Reserve Area shall adjoin any existing or planned adjacent areas of open
18 space, or natural areas that would be potential sites for inclusion as part of a
19 future area of protected open space as depicted in the Greenways Master Plan.

20 d. Reserve Area land shall be reserved permanently by easement for natural open
21 space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open
22 fields), or environmental purposes, but may contain accessory structures such
23 as barns or utility sheds, provided they are not habitable.

- 1 e. Reserve areas can be used for agriculture provided that the area is not
2 classified as a naturally forested area, conservation or preservation area.
3 Existing agricultural, grazing, and horticultural uses of the property may
4 continue provided that all such activities be designed to prevent soil erosion;
5 to protect water quality and wetlands; and to maintain the scope of traditional
6 or existing agricultural activities under Best Management practices thereof.
7 Reclaiming planted forested sites not classified as "naturally forested" to
8 fields, pastures, orchards, groves, and turning open sites to forests is allowed.
9 Usage on open, nonforested sites may be rotated, i.e., cropland may be put
10 into pasture or planted with pine, preferably longleaf pine.
- 11 f. If a Reserve Area is to be used for agricultural purposes, the applicant shall
12 establish a Type "D" buffer between common pastures, animal enclosure
13 areas or croplands and residential lots adjacent to but not part of the
14 conservation subdivision. Such buffers may be considered as part of the
15 Reserve Area for purposes of meeting the minimum relative size requirement
16 of the Reserve Area. The applicant may also be required to establish
17 appropriate easements to address common impacts of the normal agricultural
18 operations (e.g., noise, dust or odors).
- 19 g. Reserve areas can be used for silviculture provided that the area is not
20 classified as a naturally forested area, a conservation area, or a preservation
21 area. Selective thinning of existing planted pines shall be permitted in
22 conservation and preservation areas on a case-by-case basis if managed to
23 promote a native forest stand. All other existing silviculture operations in

1 proposed reserve areas shall employ all best management practices (BMPs) as
2 may be adopted or updated by the Florida Division of Forestry from time to
3 time.

4 h. The Reserve Area shall be placed under a permanent easement that runs with
5 the land. Subject to approval by the County, the easement may be assigned to
6 the local government or to an existing land trust that is a 501(c)(3)
7 organization for which conservation of resources is a principal goal and which
8 can provide reasonable assurance it has financial and staff resources to
9 monitor and manage the easement. Development easements on agricultural or
10 open space land shall be encouraged in order to protect the reserved land in
11 perpetuity and to afford maximum state and federal tax incentives, deductions
12 and credits to the landowner.

13 i. Stormwater management facilities which are otherwise permissible are
14 allowed in the reserve area provided that the facilities are located outside of
15 preservation areas, canopy road protection zones, naturally forested areas, and
16 meet one of the following two standards:

17 1. Wet detention ponds shall have side slopes of 6:1 or flatter with
18 appropriate wetland tree and aquatic plants species that visually integrates the
19 stormwater facility into the overall Reserve Area.

20 2. Retention ponds shall have side slopes of 4:1 or flatter with appropriate
21 tree and plant species that visually integrates the stormwater facility into the
22 overall Reserve Area.

j. All applicants for a Conservation Subdivision shall submit a management plan describing how the Reserve Area land will be maintained in perpetuity, including provision of a dedicated source of funds approved by the local government, to finance the timely and consistent execution of the plan.

(2) *Development Area.* The Development Area shall include that portion of the Parcel proposed for development at the density established for the land use category and base zoning applicable to the subject property. The Development Area shall: be located on the least environmentally or otherwise significant portions of the Total Conservation Subdivision Parcel in accordance with Section (f)(1) above; comprise no more than fifty (50) percent of the Total Conservation Subdivision Parcel; be contiguous, and configured in such a manner as to not adversely interfere with continued farming or silviculture uses in the Reserve Area; and allow maximum open space to be easily maintained in the Reserve Area. Design of the Development Area shall follow the procedural steps set forth below.

- a. Delineate areas of the site to be reserved due to their significant features and value to the area's continued natural character in accordance with Section (f) (1) above;
- b. Determine the number of allowable lots desired;
- c. Locate potential development sites on the area of the tract not delineated as reservation areas, with due consideration for topography, soil suitability for construction and septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;

- 1 d. Align streets to serve house sites, with due consideration for topography and
2 connections to existing, planned or potential streets in adjacent areas, and
3 align pedestrian trails if planned; and
- 4 e. Delineate boundaries of individual residential lots where lot sizes and shapes,
5 block sizes and shapes, and street networks and alignments shall be designed
6 in accordance with accepted planning practices to produce a rational and
7 economical system without undue clearing or grading. The lot arrangement,
8 design and orientation shall be such that all lots will provide satisfactory
9 building sites that are properly related to topography and the character of
10 surrounding development, encourage a range of housing types and sizes, and
11 provide safe and convenient vehicular access to public streets.
- 12 f. Specific development and locational standards shall be subject to the
13 minimum standards of the underlying land use category and base zoning
14 district and shall be established at the time of development plan submittal.
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Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, as of the effective date of this ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, wither in whole or in part, with the said Comprehensive Plan. Any provisions that are otherwise repealed by this ordinance shall nonetheless continue to apply to those applications on file and being reviewed by the county as of the effective date of this ordinance.

Section 3. **Severability.** If any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such hold shall not effect the validity of the remaining portion of the ordinance.

Section 4. Effective Date. This ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
County, Florida, this _____ day of _____, 2005.

LEON COUNTY, FLORIDA

By: _____
Chairman
Board of County Commissioners

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ATTEST:
Bob Inzer, Clerk of the Court

By: _____
Clerk

APPROVED AS TO FORM:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney